

REMARKS

Further to the Amendment filed on January 11, 2008, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

The undersigned counsel for Applicant would like to express her gratitude to Examiner Lang for the courtesies extended during the personal interview conducted on February 7, 2008. During the interview, a further clarification of the invention was provided and differences between the cited prior art and the invention were noted. Proposed claim language to further define the manipulator forks as being maintained against the exterior surface of the cone when fully retracted was also discussed. In accordance with these discussions, claims 1 and 12 have been further amended as set forth above.

More particularly, independent claim 1 recites that the cone portion includes at least one fork recess in the conical exterior surface for receiving and maintaining said at least one manipulator fork against the exterior surface of said cone portion when said at least one manipulator fork is fully retracted. Independent claim 12 similarly recites the manipulator fork being maintained against an exterior surface of said cone portion when in a fully retracted position.

The apparatus of Ginn includes a guide member 20 with a slanted surface 23, not a conical exterior surface. Still further, the guide member 20 of Ginn includes a plurality of lumens for receiving surgical instruments, such as scissors 28. The lumen 38 permits retraction of the scissors 28 through the lumen opening and into the tube 25, thus preventing the scissors from being maintained against an exterior surface, as recited in claims 1 and 12.

Bayer, upon which the Examiner also relies, discloses a blunt tip 100 which must be extended and/or rotated relative to the endoscopic barrel in order to permit ligating instrument 132 to access the vessel 210. Bayer does not allow for maintaining at least one manipulator fork against the exterior surface, as recited in claims 1 and 12.

The remaining claims depend upon either Claim 1 or Claim 12 and are thus patentable over the cited prior art for at least the reasons set forth above.

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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